

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: James E. Landry

DATE: March 21, 2007

SERIAL NO.: 09/413,993

GROUP ART UNIT: 1712

FILED: October 7, 1999

EXAMINER: Sellers, Robert E.

FOR: "A Flexible Insulating Material and Method of Use"

ATTORNEY DOCKET NO.: A00308US (98417.1)

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RENEWED PETITION UNDER 37 CFR 1.137(b)

MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is a Renewed Petition to Revive for Unintentional Abandonment under 37 CFR 1.137(b) in response to the dismissal of the petition filed August 17, 2006.

This application went unintentionally abandoned for failure to reply in a timely manner to the Restriction Requirement mailed November 30, 2001. Applicant submits herewith the appropriate fees. Applicant submitted a Response on August 17, 2006 along with the Petition to Revive. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The cause of the delay between the date Applicant was first notified that the application was abandoned and the date a 37 CFR 1.137(b) petition was filed is noted in the attached Declaration. As described in the Declaration, such delay was unintentional. Subsequent to filing the subject patent application, applicant experienced catastrophic and severe financial hardships which resulted in the delay in responding to the Office. In January, 2000, applicant's business was interrupted due to a fire completely destroying one of two buildings. From May, 2000 through February, 2002, a key employee embezzled money and damaged applicant's reputation. Applicant's attorney of record received the Notice of Abandonment on August 19, 2002 (see Cover Page for Paper No. 11 noting "received" and "docketed"). As a result of the embezzlement of funds, applicant was in a precarious financial status. In August, 2004, a primary customer filed for bankruptcy which further interrupted applicant's financial stability. Legal

action is currently pending against a potential buyer of applicant's business that breached its agreement to purchase after succeeding in hiring most of applicant's key employees.

CONCLUSION

Applicant respectfully submits that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Applicant respectfully submits that the application is in condition for allowance. A Notice of Allowance is hereby respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Please charge any additional fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,

/jmd/

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